

## MACEDONIA

### EXECUTIVE SUMMARY

The Republic of Macedonia is a parliamentary democracy. A popularly elected president is head of state and commander in chief of the armed forces. A unicameral parliament (Sobranie) exercises legislative authority. On June 5, the country held national parliamentary elections that international observers assessed as meeting most international standards for democratic elections. Security forces report to civilian authorities.

The most important human rights problem was the government's failure to fully respect the rule of law, which was reflected in its interference in the judiciary and the media, selective prosecution of political opponents of the country's leaders, and significant levels of government corruption and police impunity. Tensions between the ethnic Albanian and Macedonian communities, as well as societal discrimination against Roma and other ethnic and religious minorities, constituted another area of human rights concern.

Other significant human rights problems reported during the year included poor conditions and overcrowding in some of the country's prisons, domestic violence, and some discrimination against women and persons with disabilities. There was societal prejudice against members of the lesbian, gay, bisexual, and transgender (LGBT) community, who were the subject of harassment and use of derogatory language, including in the media. Macedonia was also a source, destination, and transit country for men, women, and children for sex trafficking and forced labor.

The government took some steps to punish police officials guilty of excessive force or impunity and strengthen the internal police investigation unit, but impunity continued to be a problem. There were credible claims during the year that the government interfered in high-profile cases involving abuse of office or misuse of official position to coerce officials or party members or intimidate key opposition leaders.

#### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

##### **a. Arbitrary or Unlawful Deprivation of Life**

The government or its agents did not commit any arbitrary or unlawful killings.

On June 5, Martin Neskovski was beaten to death by a plainclothes police officer, Igor Spasov, at the celebration of the ruling political party's election victory. Spasov, a member of the Ministry of Interior's special police unit, was arrested and put on trial. The ministry faced heavy media criticism for not moving quickly to identify and arrest the officer and for lack of transparency and communication with the public. The killing sparked daily youth protests that lasted two weeks and drew 500 to 1,500 persons demanding the resignation of the minister of interior as well as justice for the victim's family. Spasov pleaded innocent, claiming that he was on duty to provide security for Prime Minister Gruevski and other ministers. The ministry denied any responsibility for Spasov's actions. The Skopje Criminal Court convicted and sentenced Spasov to a 14-year prison sentence for murdering Neskovski. Following Spasov's arrest, the "Stop Police Brutality" members and Neskovski's family accused the government of a biased investigation, police impunity, and intimidation and claimed that Interior Minister Jankulovska had no control over security forces.

### **b. Disappearance**

There were no reports of politically motivated disappearances.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices; however, there were credible reports that police used excessive force during the apprehension of criminal suspects and abused detainees and prisoners.

During the first nine months of the year, the Ministry of Interior's Sector for Internal Control and Professional Standards Unit (PSU) reported receiving 51 complaints against police officers for use of excessive force. After preliminary investigations the PSU found grounds for further investigation in three cases. For all three cases the PSU proposed a mandatory disciplinary procedure against all the police officers in front of the Disciplinary Commission. However, the commission did not initiate disciplinary procedures in any of the three cases because it determined the cases to be obsolete.

In its 2011 annual report, the Office of the Ombudsman reported some improvements in the investigations of the PSU; however, it reported that in most cases the PSU did not conduct thorough and objective investigations. The report also noted that this "solidarity with police officers" was shared by the courts and

the public prosecutor and that court procedures lacked time limits, contributing to the impunity of police officers.

Between November 2010 and July 2011, the nongovernmental organization (NGO) All4Fair Trials received 16 complaints from citizens alleging excessive use of force by police. It referred many of these complaints to the PSU or ombudsman. It also noted that some alleged victims did not want to report the incidents to authorities due to fear of reprisal. The NGO criticized the Prosecutor's Office for not completing prosecutions of police abuse cases filed in 2007 and 2008.

According to the Council of Europe's Committee for the Prevention of Torture's (CPT) report on its fall 2010 visit to the country, a significant number of people alleged mistreatment by police officers. Police officers reportedly used punches and kicks to the body and head as well as the use of batons on suspects during interrogations, or during transfer from the place of arrest to a police station.

### **Prison and Detention Center Conditions**

Inhumane prison conditions continued to be a concern. Discrepancies in statistics existed between the data provided by the Ombudsman's Office and by prison officials. As of November the ombudsman reported that the country housed a total of 2,329 detainees and prisoners, although the designed capacity of all facilities was only 1,952 inmates. There were no reports of prisoners serving beyond their maximum sentence. Prisoners had access to potable water. The ombudsman's 2010 annual report stated that conditions in the prisons were unchanged and remained substandard and overcrowded. The report also noted that the opportunity for juvenile detainees to mingle with adult detainees remained a problem.

The CPT report also stated that fundamental change was required to address challenges facing the prison system. The lack of a professional management approach, low staffing ratios, and an absence of accountability and clear rules were particularly problematic. At Idrizovo Prison, the country's largest prison facility, a number of credible allegations of mistreatment of prisoners by staff were received, and interprisoner violence remained a significant problem. Many inmates were held in deplorable living conditions, crowded together in a dilapidated, dangerous, and unhygienic environment, while most prisoners were offered no activities and locked in their cells for up to 23 hours a day.

In the remand sections of Skopje and Tetovo Prisons, inmates were offered no organized activities and less than one hour of daily outdoor exercise, if any. The

CPT report also detailed the overcrowding and poor material conditions in which remand prisoners were kept. The report was particularly critical of the treatment of juveniles held in remand and recommended that action be taken to offer them educational and recreational activities and to ensure that they were never held in a situation of de facto solitary confinement.

The national authorities stated that measures were being taken to improve the conditions of detention in the prisons, particularly at Idrizovo Prison, with the support of a Council of Europe Development Bank loan. A new rulebook was adopted aimed at offering all prisoners a range of activities as well as the legal requirement of two hours of daily outdoor exercise.

The CPT report noted consistent allegations of mistreatment of patients by staff as well as of interpatient violence, in particular at Demir Hisar Psychiatric Hospital. The CPT recommended implementing a policy of zero tolerance, improving staffing levels and professionalism, upgrading living conditions, and establishing an independent system for complaints and inspections. National authorities reported that procedures were being adopted to ensure proper conduct by medical staff towards patients and continuing training for orderlies and nurses. Authorities had plans to upgrade living conditions.

At the Demir Kapija Special Institution for persons with mental disabilities, the CPT observed relaxed, positive relations between staff and residents. However, concerns were raised that the health-care needs of residents were not adequately met. National authorities responded that the quality of residential care improved following the recruitment of additional staff.

The country has 11 prisons and two juvenile correctional institutions. Of the 11 prisons, two are high-security prisons--Idrizovo in Skopje and the Stip prison. Six of these prisons also housed detainees. Men and women were held separately in both the prisons and the detention facilities. According to prison officials, the maximum capacity of prison facilities was 2,290. Prisons were designed to house 1,869 prisoners; detention facilities, 421 detainees; and the Tetovo Juvenile Correction Facility, 44 offenders. The total number of prisoners, including juveniles and women, was 2,300, of whom 21 were juvenile offenders serving their sentences in the Ohrid juvenile prison. The total number of all pretrial detainees was 402. Idrizovo had a separate women's division housing all women offenders--both adults and juveniles--from the entire country. Juvenile prisoners were held separately from adults and housed at the low-security juvenile prison in Ohrid. Pretrial detainees were held separately from convicted prisoners. Detainees

charged with serious crimes punishable by more than 10-year prison sentences were held at Idrizovo.

According to prison officials, two deaths of detainees were reported during the year. One detainee held at the Tetovo prison committed suicide. The second detainee died of natural causes at the Ohrid prison. Between ten and 12 prisoners died during the year--two in Skopje Prison, seven in Idrizovo, and one in Strumica prison. Six died while undergoing hospital treatments, one committed suicide, one died at home from natural causes while on weekend leave from prison, one died in a traffic accident while on weekend leave from prison, and one committed suicide while on weekend leave from prison.

Some media reported that on February 2, an inmate of the Suto Orizari detention center in Skopje was found dead in his cell. The body reportedly was sent for examination to the Forensic Medical Institute, but sources from the institute said they had no record of any such case. On November 14, a woman reportedly committed suicide while in detention at the Tetovo Prison Detention Unit. Police, an investigative judge, and a prosecutor inspected the site and turned the body over to forensic examiners to verify the cause of death.

The Ministry of Justice's Sanctions Enforcement Administration conducted a survey of Idrizovo State Prison personnel and the Suto Orizari Detention Center in Skopje. Results indicated that more than half of the custodial personnel possessed little to no professional skills or knowledge of relevant laws. In response the primary prison employees union complained of lack of adequate equipment and training and severe understaffing.

In July the government enacted a new rulebook for detention centers that met EU standards, replacing the socialist-era rulebook. The new rulebook states that detainees will have access to a television and telephone and that security will be upgraded with a new modern control system.

The ombudsman regularly visited the country's prisons and maintained complaint boxes there. The ombudsman stated that the right to express religious beliefs and practice religious rites in the penitentiary and correctional facilities was not hindered. Visitor access was allowed, but facilities remained insufficient for the number of prisoners, and conditions were poor.

In its October progress report, the European Commission reported that the government had adopted an annual program for the construction and renovation of

prisons. Parts of the prisons where degrading conditions were reported (in particular Idrizovo Prison and its semi-open ward) were renovated. Conditions in the Tetovo Juvenile Correctional and Rehabilitation Institute continued to raise serious concerns, as did the closed ward of Idrizovo. The report noted that most of the prisons continued to be underfunded and could not cover their basic maintenance expenses and that the mechanisms for preventing and combating mistreatment and corruption in prisons remained weak.

During the year the Ministry of Justice refurbished the old detention unit in the Suto Orizari Detention Center, equipped the fitness room, repaired the plumbing and sewage infrastructure, and designated two rooms for confidential meetings of detainees and their defense counsels.

The government usually granted independent humanitarian organizations and the ombudsman access to convicted prisoners. The law allows family members, physicians, diplomatic representatives, and representatives from the CPT and the International Committee of the Red Cross access to pretrial detainees with the approval of the investigative judge. However, during the year the local branch of the Helsinki Human Rights Committee claimed that the government denied committee representatives access to prisoners.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were problems.

#### **Role of the Police and Security Apparatus**

The national police, consisting of uniformed police, criminal (civilian) police, and border police, are a centralized force under the Ministry of Interior. International observers and local NGOs cited corruption, lack of transparency, and political pressure within the ministry as hindering efforts to fight crime, particularly organized crime.

In addition to investigating alleged police mistreatment, the PSU conducted all internal investigations into allegations of other forms of police misconduct. The PSU has authority to impose administrative sanctions during the course of its investigations, such as temporary suspension from work, but cannot impose disciplinary actions, which require a ruling from a disciplinary commission, or more serious criminal sanctions, which require court action. Although there were

improvements with internal investigations and an active ombudsman, police impunity remained a problem.

Insufficient funding and staffing hampered the PSU's effectiveness, and the professional capacity of the PSU remained low. Many observers considered that the PSU, Prosecutor's Office, and courts did not provide an effective deterrent to police abuse, contributing to an atmosphere of impunity. The 2010 ombudsman's report concluded that responses to complaints against police officers were "endlessly delayed" and that priority was given to complaints accusing citizens of attacking law enforcement officials, rather than complaints of police impunity.

Although unit officials showed some improvement in efficiently conducting internal investigations, concerns remained about the low number of completed investigations and the lack of charges in outstanding human rights cases from previous years.

Representatives from a number of international organizations, including the Organization for Security and Cooperation in Europe (OSCE), the EU, and foreign diplomatic missions, continued to monitor police operations and advise the Ministry of Interior on police reforms.

### **Arrest Procedures and Treatment While in Detention**

The law requires warrants issued by an investigative judge for arrest and detention, and police generally followed this requirement in practice.

The law states that prosecutors must arraign a detainee within 24 hours of arrest. An investigative judge, at the request of a prosecutor, may order detention of suspects for up to 72 hours before arraignment. Police generally adhered to these procedures in practice. There were reports that police continued to call suspects and witnesses to police stations for "informative talks" without informing them of their rights. Police did not arrest the individuals or hold them for extended periods of time. The law permits immediate family members access to detainees, and authorities generally provided access, although it was not always prompt. The law states that an investigative judge must approve access requests.

While judges usually granted permission for attorneys to visit their clients in detention, legal contacts reported that in some high-profile cases, defense attorneys were not granted timely and confidential access.

The Ministry of Interior conducted inspections of the registers of detained persons and prepared standard procedures for their detention and treatment. These procedures included designating shift supervisors who were responsible for the proper processing and treatment of detained persons.

There is a functioning bail system. After arraignment the law sets the initial length of pretrial detention to a maximum of 30 days. This period may be extended up to 180 days in total if a council of three judges orders a 60-day extension for further investigation and a superior court orders an additional 90-day extension. The law allows a 90-day extension only in cases for which sentencing guidelines provide that a person convicted of the crime under investigation serve at least five years in prison. Following indictment the maximum pretrial detention is two years.

#### **e. Denial of Fair Public Trial**

The constitution and laws provide for an independent judiciary; however, the government exercised political pressure and intimidation on the judicial branch. Inadequate funding of the judiciary continued to hamper court operations and effectiveness. A number of judicial officials accused the government of using its budgetary authority to exert control over the judiciary.

Political pressure influenced the work of the Judicial Council, the body responsible for the election, discipline, and removal of judges. There were reports that the Judicial Council gave preference to outside candidates for judgeships instead of choosing 50 percent of new judges from academy graduates as the law requires. Through December the Judicial Council elected 27 new trial court judges, five of whom were academy graduates. On November 30, the Judicial Council elected Ana Gerasimovska, the daughter of the chair judge in the case against the owner and managers of the opposition-oriented television station A1, to be a judge on the Administrative Court.

In December 2010 the appellate court released a convicted cigarette smuggler to house arrest pending appeal. The Supreme Court reversed the decision on the grounds that the appellate court judges misinterpreted the law on detention and filed motions with the Judicial Council against the appellate court judge and the president of the appellate court for “unprofessional conduct and malpractice.” Legal experts and members of the academic law community stated that neither interpretation could be considered incorrect, asserted that the motions before the Judicial Council were extreme, and questioned whether the Judicial Council should discipline judges for their interpretation of the law in a ruling. The media opined

that the government was attempting to remove judges who did not succumb to executive pressure. One of the three judges involved in the appellate ruling resigned from the bench in December 2010 for unspecified reasons. The president of the appellate court, Jordan Mitrinovski, resigned his position as president “for health reasons” but said he wanted to remain a judge. On May 18, the Judicial Council removed Mitrinovski from the bench for unprofessional and incompetent conduct. On September 14, a Supreme Court-led panel denied Mitrinovski’s appeal and upheld the Judicial Council’s removal decision.

In February 2010 the parliamentary Standing Inquiry Committee on Human Rights concluded that the human rights of defendants and witnesses in the 2003 Sopot case had been violated by the “authorized bodies and institutions” of the country. The committee found violations of prohibitions of torture, inhumane, or degrading treatment; the right to liberty and security; the right to privacy of home; and the right to a fair trial. The case involved the killing of two Polish NATO soldiers and two civilians by an improvised explosive device along the Kumanovo-Sopot road. Eleven ethnic Albanians were convicted in three separate trials in 2004, 2006, and 2009 and sentenced to 10 to 14 years in prison. In September 2010 the appellate court reversed the decision of the first trial court and ordered a retrial for all 11 defendants. Retrial started on April 19, before Basic Court Skopje I, and continued at year’s end. At the end of the year, four defendants remained under house arrest, two remained in detention pending retrial, and five remained at large.

Throughout the year the government heavily criticized the Constitutional Court for overturning a number of laws related to government-sponsored projects. In March the speaker of parliament demanded that the president of the Constitutional Court, Trendafil Ivanovski, come to parliament to explain the court’s rulings. Ivanovski refused, citing the independence of the court. Previously, in October 2010, the Verification of Facts (Lustration) Commission found Ivanovski guilty of collaboration with the secret services during the communist era. Ivanovski appealed the ruling to the Administrative Court, which upheld the guilty verdict. Ivanovski was suspended from the Constitutional Court and appealed to the Supreme Court. On March 22, the Supreme Court upheld the guilty verdict. Ivanovski again refused to step down from the court, and on April 12, parliament voted to remove him from office. Ivanovski filed a petition with the European Court of Human Rights (ECHR) that was pending at year’s end.

During the year the media and legal community criticized the government for proposing judicial legislation with little or no input from judicial or legal experts. Parliament also was criticized for passing a bundle of judicial legislation during its

first week in session after the June 5 election without debate under a fast-track procedure. For example, the government proposed and parliament passed measures amending the law on the Judicial Council and the Prosecutorial Council to remove the minister of justice as a voting member. NGOs, the media, and legal professionals criticized the system, asserting that it would not solve major problems with the judiciary, such as chronic underfunding, political pressure on judges, and inadequate working conditions.

The trial courts' efficiency improved significantly. Based on unofficial reports from government authorities, through September 30 the trial courts decided 833,320, or 78.1 percent, of the 1,066,950 cases on their dockets, versus 52.3 percent in the same period of the previous year. The efficiency of other courts varied. The appellate courts completed 77.5 percent of their caseload, and the Supreme Court completed 47.5 percent. The Administrative Court completed only 32.8 percent of its workload. The transfer of backlogged cases involving the enforcement of civil judgments (mainly cases for collection of utility bills) from the courts to the private enforcement system began on July 1. This activity, completed on December 31, would relieve trial courts of a backlog of 466,315 cases.

## **Trial Procedures**

The law presumes defendants innocent until proven guilty. Trials are generally open to the public. The country does not use juries. A single judge hears less serious cases, and a panel of one or two professional judges and two to three lay judges hear more serious cases. The judicial panels determine guilt and impose sentences. The panel usually follows the recommendations of the presiding judge. Defendants have the right to an attorney in pretrial and trial proceedings. The law requires that courts provide indigent defendants an attorney at public expense, and authorities generally respected this requirement in practice. Defendants may question witnesses and present evidence on their own behalf. The law entitles defendants and their attorneys access to government-held evidence. In practice defendants were not always given access. Both the prosecution and defendants have the right to appeal verdicts.

The law provides that courts may try defendants in absentia so long as they retry the convicted individuals if they later become available for trial.

The courts published civil and criminal judgments online, but public access to judgments and court decisions remained limited. Most of these electronically

published judgments lacked an indexing function and were difficult to search due to the large amount of deleted data. Officials cited privacy and data protection concerns as reasons why the courts did not publish more information on judgments.

### **Political Prisoners and Detainees**

During the year there were claims that authorities detained persons for political reasons.

On June 6, the day after the national election, police arrested Ljube Boskoski, leader of the United for Macedonia political party, on charges of illegal election campaign financing and misuse of official position. Police allowed journalists to film the arrest, including the seizure of 100,000 euros (approximately \$130,000) in cash and a gun from Boskoski's vehicle. The video was broadcast on YouTube and the Ministry of Interior's Web site. Boskoski was sent to 30 days of pretrial detention on the day of his arrest, which was subsequently renewed. In November Boskoski was found guilty of both charges, sentenced to seven years in prison, and immediately began to serve his sentence.

There were claims that officials used pretrial detention as a punitive measure in the case of the former manager of the Health Fund, Georgi Trenkoski. Trenkoski was arrested in November 2010 and sent to 15 days of pretrial detention on charges more serious than those for which he had been indicted. Authorities justified pretrial detention as necessary to prevent Trenkoski, who had resigned from his position at the Health Fund three months earlier and had no access to its files, from tampering with evidence. Trenkoski's supporters claimed that the media were notified ahead of his arrest to ensure his humiliation. Trenkoski subsequently was released from detention, although the court seized his passport as a security measure to ensure his presence at trial. His trial, which started in June 2010, continued at year's end.

### **Regional Human Rights Court Decisions**

As of December the ECHR issued seven decisions that found violations of the European Convention on Human Rights by the state. While the government enacted a law in 2009 providing for enforcement of ECHR orders, government officials did not adequately implement the law, and the government complied with only a small number of the ECHR orders in a timely and adequate manner.

## Civil Judicial Procedures and Remedies

Citizens had access to courts to bring lawsuits seeking damages for, or cessation of, human rights violations. Individuals may file human rights cases in the criminal, civil, or administrative courts, depending upon the type of human rights violation in question and the perpetrator of the alleged violation. Individuals may also appeal adverse decisions. The law provides the right to timely adjudication of cases and a legal basis for raising excessive judicial delays to the Supreme Court. Individuals could appeal court decisions involving alleged violations of human rights by the state to the ECHR.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and the government generally respected these prohibitions in practice.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

#### **Status of Freedom of Speech and Press**

The constitution provides for freedom of speech and press; however, the government did not always demonstrate respect for this right in practice, and government pressure on the media was a growing problem.

Freedom of Speech: The law prohibits speech that incites national, religious, or ethnic hatred, and the law provides penalties for persons who violate these laws. Individuals may criticize the government publicly or privately, but there were reports that the government attempted to impede criticism.

Freedom of Press: Media outlets were covered by the same laws that restrict speech inciting national, religious, or ethnic hatred. In addition there were reports that the government pressured the media and forced journalists to practice self-censorship. A few independent media voices were active and expressed a wide variety of views without restriction, particularly through online outlets. However, after the closure of opposition-oriented A1 Television and the daily newspapers *Vreme*, *Shpic*, and “\*\*\*\* e Re,” the number of media voices critical of the government declined. Media institutions and reporting continued to be divided

along ethnic and political lines, with the most striking divisions visible in reporting on controversial political and interethnic issues.

The government was one of the largest purchasers of advertising in the country and favored outlets and journalists it perceived as friendly. During the year the Association of Journalists of Macedonia (AJM) criticized specific media developments, such as the closing of A1 Television and related print daily newspapers, firing of individual journalists, and overall decline in media freedom. The AJM called on authorities to engage publicly with members of the media to address the crisis. The Independent Trade Union of Journalists was another frequent voice of alarm over the erosion of media freedom.

The ruling party, various ministries, and the president's cabinet regularly issued statements that denied any undue pressure on journalists but at the same time expressed disappointment over reporting by some media outlets--most frequently A1 Television and its related daily newspapers--and criticized them for bias and unprofessionalism.

There were five major privately owned daily newspapers in the Macedonian language and three in the Albanian language. International newspapers and magazines were available throughout the country. Macedonian Radio and Television, whose reporting reflected the government's views and policies, was the country's sole public broadcaster. On July 30, authorities revoked the broadcasting license of A1 Television. Following the revocation, there were four private television broadcasters with national coverage, 13 national television stations that broadcast via satellite, and 58 private local and regional television stations. Most of the stations broadcast news programs and reflected a narrow segment of viewpoints. There were 80 independent radio stations that broadcast around the country. All major broadcast and print media offered up-to-date Internet editions. During the year many online portals opened and provided views and commentaries that were critical of the government. Internet-based social networks were available and popular, and a small number of blogs maintained often critical content.

**Violence and Harassment:** On August 8, the head of the Media Labor Union was fired from her job at Alsat TV, which claimed the dismissal was based on the consensual termination of her contract. She filed charges against Alsat TV for wrongful termination, asserting that she never knowingly signed such a contract and that, by law, the leader of a trade union cannot be fired. Both domestic and international media organizations, including Reporters Without Borders, issued statements criticizing the "arbitrary dismissal" of journalists active in labor unions.

While some journalists believed that factors other than her union position played a role in her termination, they stressed that Alsat TV failed to respect laws that prohibit companies from firing union leaders.

In December 2010 Velija Ramkovski, businessman and owner of the country's most popular station, A1 Television, and several related print outlets also known for their opposition views, his daughter, and 17 other employees of Ramkovski businesses were arrested on charges of tax evasion and conspiracy. Four additional suspects evaded arrest. There were credible reports that while in detention a pregnant detainee suffered a miscarriage and that another detainee with a serious medical condition was not provided assistance. Another detainee was rushed to emergency surgery without family notification. On March 22, prosecutors indicted all 23 suspects. The trial began on May 23 and continued at year's end. Eight defendants in the case remained in detention, 11 were under house arrest or other security measure, and four remained at large.

With the companies' assets frozen by the Public Revenue Office and no access to additional funding, the three major daily newspapers with ties to Ramkovski were forced to stop publishing on July 3. On July 17, the court began bankruptcy proceedings against A1 Television, and on July 30, the Agency for Electronic Communication revoked the station's broadcasting license. Domestic and international media outlets and organizations, including the International Federation of Journalists, Reporters Without Borders, the Southeast European Media Organization, and the OSCE's representative for freedom of the media, criticized the closing of the outlets, noting that the media in the country was in crisis. Reporters Without Borders expressed concern over the "decline of press freedom" in the country and noted that the government's actions posed a threat to media independence.

On July 18, by an emergency procedure, parliament amended the Broadcasting Law to expand the National Broadcasting Council from nine to 16 members, with the seven new members being nominated by the president and other government institutions. The amendment triggered widespread criticism from journalists and Reporters Without Borders, which interpreted the move as a government attempt to control the council.

Libel Laws/National Security: The AJM announced that nearly 200 charges of defamation, libel, and slander filed by public officials from 2009 to August 2011 were pending against journalists. After the AJM dropped slander charges against a progovernment journalist on January 17, the government withdrew 35 other

pending cases brought by government officials, including 21 brought by members of parliament. The government claimed that it maintained its right to sue journalists for defamation in order to defend its credibility from unprofessional journalists.

### **Actions to Expand Press Freedom**

On September 14, the new deputy prime minister for EU integration, Teuta Arifi, cohosted a roundtable discussion with the AJM on the future of media in the country. Participants included journalists, media owners, students, and members of the international community. Dunja Mijatovic, the OSCE's representative on media freedom, paid a three-day visit to the country in October to discuss freedom of the media with a variety of stakeholders. At the end of her visit, she called on the government to support greater media independence and on the media to show increased professionalism and a willingness to work with the government on media-related initiatives. Deputy Prime Minister Arifi held a follow-up roundtable on December 13, after which Minister of Justice Blerim Bexheti tasked a ministry-led multidisciplinary committee, including AJM representatives, to propose amendments for the decriminalization of slander.

### **Internet Freedom**

There were no government restrictions on access to the Internet. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Political activists and others critical of the government stated that their e-mail, social media, and other electronic communications were monitored and/or disrupted by the government, but the extent of these practices was unknown.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The law provides for freedom of assembly, and the government generally respected this right in practice. To hold public gatherings of any kind, organizers must notify the Ministry of Interior so the venue can be made secure.

## **Freedom of Association**

The law provides for freedom of association, and the government generally respected this right in practice.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: Beginning in April 2010, recognized refugees could no longer travel with the current 1951 Convention Travel Document (CTD) form, since it had not been upgraded to be a machine-readable travel document in accordance with the new International Civil Aviation Organization standards applicable as of that date. The Ministry of Interior's assessment of technical capacities to issue machine-readable CTDs or eventually biometric CTDs has been pending since 2010.

#### **Internally Displaced Persons (IDPs)**

The government reported 474 persons remained displaced from the 2001 internal conflict. Of these, 200 persons lived in collective centers, and 274 were lodged with host families.

IDPs received basic assistance, mostly from the Ministry of Labor and Social Policy, but had few opportunities for work due to the country's high unemployment rate. The UNHCR assisted 27 IDPs in establishing their civil status and obtaining identity documents.

During the year the government encouraged IDPs to return to their homes of origin in areas the authorities considered safe. Some IDPs continued to assert that the government did not provide adequate support for the return process. Romani IDPs faced additional challenges because they were unable to document their tenancy at properties where they previously resided.

## Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum or refugee status both to those individuals meeting the criteria for refugee status and those meeting the criteria for subsidiary protection. The government has established a system for providing protection to refugees. However, the government did not grant refugee status or subsidiary protection to any asylum seekers during the year.

The law on asylum meets most international and EU standards; however, it contains exclusionary provisions for persons under subsidiary protection that observers asserted do not comply with the 1951 Refugee Convention. In addition the government did not effectively implement the law. No person has been granted any form of asylum since mid-2008. Subsidiary protection was terminated for nine Kosovo Romani cases on the basis of national security, an exclusion not contained in the 1951 Refugee Convention.

In 2010 the UNHCR submitted friend of the court briefs to the Administrative Court about two refugee cases in which the Section for Asylum ceased providing subsidiary protection on exclusion grounds of constituting a danger to national security. The court accepted the appeals and returned the cases for re-adjudication. In July, despite instructions from the court to re-adjudicate, the Section for Asylum again ceased protection, again citing danger to national security. Of the 10 similar cases, six involved Roma from Kosovo residing in Macedonia since 1999 and four involved new asylum seekers. The cases were appealed to the Administrative Court.

Visa liberalization with the EU introduced in 2009 resulted in an increased number of Macedonian asylum seekers in the EU. In response to an EU request to decrease the number of asylum seekers, the authorities organized a multiagency working group that created a multipronged strategy including a media campaign, sanctions for travel agencies who target potential asylum seekers, and profiling at border stations. From April to October, more than 1,500 Macedonia citizens

(mostly Roma) were refused exit from the country on the basis of being potential asylum seekers in the EU.

While authorities asserted that the law provides for protection of refugees and persons under subsidiary protection in accordance with EU standards, the UNHCR reported that the refugee status determination mechanism failed to provide basic procedural guarantees and proper determination as prescribed in the law, i.e., a cancellation of subsidiary protection status, *ex-officio*, without a hearing, based on undisclosed evidence.

Safe Country of Origin/Transit: The government rejected the asylum applications of persons who arrived in Macedonia via a safe country of transit. As of August authorities had rejected the applications of 56 asylum seekers--42 from Greece and 17 from Serbia-- on the grounds that they had arrived through a “safe third country.” Advocates voiced concern about this because the determination if a particular third country is “safe” (for the purpose of returning an asylum seeker) cannot be answered in a generic fashion for all asylum seekers in all circumstances, arguing that it must be answered on an individual basis. The Section for Asylum issued the 56 decisions within a two-month period, without hearings, thus denying the applicants an effective opportunity to rebut the presumption of safety in the asylum law.

The government reaffirmed its commitment to the international community that it would not deport failed asylum seekers from Kosovo, and no such deportations took place. Such persons were issued provisional identification documents in order to secure access to services. The documents were subject to extension as individual circumstances warranted. By June the Administrative Court accepted one appeal and returned the case for re-adjudication. It rejected appeals in two cases, while an estimated 40 cases were pending. The Supreme Court issued only two verdicts, rejecting the appeals, while 11 were pending. On June 30, a Higher Administrative Court was established to hear appeals against Administrative Court decisions. By early December, 14 of the 15 judicial slots were filled, but the court’s capacity to review decisions effectively remained limited due to insufficient administrative and logistical support. Rejected asylum seekers from Kosovo continued to be assisted by the UNHCR.

The country continued to experience an increase in arrivals of new asylum seekers from outside the region, primarily from Central Asia and the Middle East, but also some from North Africa, Sub-Saharan Africa, South Asia, and Russia. There were no qualified interpreters in Pashtu, Dari, or Arabic, which made identification and

conducting interviews difficult. The government deported most of these persons to unknown destinations after they applied for asylum. By the end of August, the number of registered asylum seekers increased from 174 in 2010 to 485. Of these individuals, 86 were present at the end of August at the reception center for asylum seekers in Vizbegovo, which has a capacity of 150 persons.

The government issued identity documents to recognized refugees and other persons under subsidiary protection. However, authorities frequently delayed or failed to issue identification documents to new asylum seekers. The government has a formal system for appointing guardians. In practice no appointed guardian met an unaccompanied minor seeking asylum.

**Nonrefoulement:** In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion, or in which they would be subjected to torture or inhuman or degrading treatment or punishment. However, the UNCHR noted that only two locations in Skopje reported registrations of new asylum seekers. No border crossings, police stations, or immigration offices outside Skopje reported any registrations. The UNHCR raised concerns that asylum seekers presenting themselves outside of Skopje were not accounted for and may be informally returned or transported to third countries.

By the end of August, 1,524 asylum seekers, refugees, persons under subsidiary protection, and other persons of concern remained in the country, most of them Roma from the 1999 conflict in Kosovo. The UNHCR continued to note progress in the return process of Roma to Kosovo, which it facilitated on the basis of individual voluntary requests. As of the end of August, 135 individuals had returned to Kosovo, while 213 were awaiting return. The reconstruction of 11 houses in Kosovo was approved with the support of local authorities and the international community, pending provision of funds for their reconstruction.

**Durable Solutions:** The Ministry of Labor and Social Policy is responsible for the social protection of persons granted asylum. An office within the ministry worked to provide integrated, durable solutions with the support of the UNHCR. As of the end of August, 730 persons (183 families) were granted asylum and had applied for integration in the country. However, the country lacked sufficient housing for these people. In 2008 the government adopted a seven-year program for integration of persons granted asylum, including assistance for public housing. Two years after its adoption, the government allocated a state-owned plot of land

located in Visbegovo, Butel, for the construction of 30 public housing units for integrating refugees (to be funded by the UNHCR). The procedure for provision of necessary documentation for construction of housing units remained pending at year's end.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, generally free, and fair elections held on the basis of universal suffrage.

#### **Elections and Political Participation**

Recent Elections: In June the country held parliamentary elections, with high public turnout and only minor confirmed incidents. The OSCE's Office for Democratic Institutions and Human Rights reported that the elections were "transparent and well administered throughout the country"; however, insufficient separation between party and state activities and pressure on public sector employees to support the ruling coalition were problems. For the first time, citizens residing abroad could vote by absentee ballot.

Political Parties: On June 6, the day after the national election, police arrested Ljube Boskoski, leader of the United for Macedonia political party, on charges of illegal election campaign financing and misuse of official position. Boskoski was convicted on November 29 and sentenced to seven years in prison. Boskoski asserted his arrest was political retaliation for his preelection antigovernment speeches. Other sources claimed that his conviction was also retaliation for his alleged cooperation with the Office of the Prosecutor in the 2001 war crimes cases in which Boskoski received an acquittal, while the second defendant, Johan Tarculovski, was convicted and received a 12-year prison sentence.

In August the government demolished the Cosmos apartment building owned by Fjat Canovski, leader of the opposition Party for European Future, claiming that it was a few inches above code requirements. Canovski asserted that the demolition was political retaliation for his party's having joined the opposition and financing opposition-oriented A1 Television after its accounts were frozen, allowing it to remain on the air during the election campaign. The government subsequently filed four court cases against Canovski and appointed to the case a judge who was the aunt of the minister of interior. Canovski reported difficulty in obtaining a firm

to assess damages for insurance purposes (not only to his property, but to equipment belonging to the construction company as well). Canovski filed a complaint with the ECHR. On November 30, the government withdrew from parliament a draft amendment to the Construction Law, the purpose of which, according to the opposition, was to legalize the Cosmos' demolition retroactively.

**Participation of Women and Minorities:** There were 38 women in the 123-seat parliament and three women in the 23-member Council of Ministers. The law requires gender diversity in each political party's candidate list; at least one in every three candidates must be of the gender opposite of the majority gender on the list. Sixty percent of judges were female. None of the country's 85 mayors was a woman.

There were 24 ethnic Albanians, four ethnic Serbs, two ethnic Vlachs, two ethnic Turks, two ethnic Roma, and three ethnic Bosniaks in parliament. There were nine members of nonmajority communities in the 23-member Council of Ministers.

#### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption; however, there were reports that some officials engaged in corruption with impunity. According to World Bank governance indicators, government corruption was a problem.

There were credible claims during the year that the government interfered in high-profile cases involving abuse of office or misuse of official position to coerce government officials and party members or to intimidate key opposition leaders. A number of current and former government officials faced charges of misuse of position or abuse of office, while other officials and opposition leaders reported threats that they would face such charges.

Police and judicial corruption were problems. During the year the Judicial Council removed seven judges for unprofessional and unethical conduct and initiated disciplinary action against at least eight others. Of the eight cases, three were dismissed as unfounded.

During the year retrials continued for Vasil Tupurkovski, a former deputy prime minister and director of the Agency for Reconstruction and Development, who had been convicted of corruption, and for former prime minister and former minister of defense Vlado Buckovski, who had been convicted of abuse of office.

In mid-June 2010 the Anticorruption Commission (ACC) filed misdemeanor charges against 220 public officials for failing to submit financial and conflict of interest statements. Of these, as of December 2011, 169 cases were resolved. The court sentenced 128 public officials to fines ranging between 50 and 1,000 euros (\$65-1,300), and 29 public officials received reprimands. Ten officials were acquitted, and in two cases the courts dropped the charges.

Following the 2011 amendments to the anticorruption law, the term of office of the previous commission expired in the spring of 2010. In April parliament selected seven new members for the ACC. The opposition accused the ruling majority of politicizing the ACC by electing government affiliates, some of whom reportedly lacked the qualification required by law. The new ACC became operational on April 11, and Vasilav Zafirovski, a retired Ministry of Interior official, was elected president by a majority vote of the commission's members.

The ACC was responsible for investigating complaints submitted by citizens. During the year the ACC received 908 complaints--267 of which referred to citizens' allegations of corruption and/or conflict of interest in all different areas and 641 related to the June early parliamentary elections--issued opinions on 641 election-related motions, and reviewed a total of 1,357 complaints and motions, which included some from the previous year. The ACC dismissed 2,914 complaints for lack of jurisdiction and 198 complaints as unfounded. The ACC transferred one complaint to state organs for further investigation and recommended disciplinary action in three cases.

During 2010 the chairman of the ACC requested that the public prosecutor charge five current and two former mayors with violating the law on public procurement. Each mayor was involved in separate events in which public money was allegedly spent without proper tendering and open calls for bids. At year's end the prosecutor's offices dismissed two of the cases as unfounded and another one because the statute of limitations had run. Four of the cases were remained review by the Prosecutor's Office.

On October 31, ACC President Zafirovski announced the commission would request the Prosecutor's Office to press criminal charges against opposition Social Democratic Alliance of Macedonia (SDSM) and A1 Television for election campaign finance irregularities. Based on the parties' financial reports, the ACC as a loan it received from Komercijalna Bank. The ACC also found that A1 Television violated the allowed donation threshold by giving overly generous advertising discounts to some parties. In their reaction, the SDSM accused the

ACC of taking a selective approach and acting as an instrument of the government. The SDSM pointed out that the ACC report stated that the Internal Macedonian Revolutionary Organization (VMRO) had a financial shortfall.

The ACC also found that the largest television broadcasters--A1, Kanal 5, and Sitel--were the largest political party election campaign donors because they granted abnormally generous advertising discounts. The ACC also found that no budgetary funds were misused for election campaign purposes.

The law provides for public access to government information. Implementation of the law lagged, especially in respect to citizens' access to court judgments and other court decisions.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Government Human Rights Bodies: The ombudsman worked to protect citizens against infringement of their rights by public institutions, reduce discrimination against minority communities and persons with special needs, promote equitable representation in public life, and address children's rights. The ombudsman has the right to visit all detained persons and report findings to the UN. Most of the 3,940 complaints that the ombudsman received as of early December concerned violations of judicial procedures, police abuse, police services to citizens, prisons, labor, consumer or property rights. The ombudsman reported good cooperation and communication with the government but noted that, while government responses to the ombudsman's inquiries were usually timely, they were often not substantive and at times lacked requested information.

The country's seven-member Commission for Protection from Discrimination has a mandate to review discrimination complaints, issue recommendations, and promote the implementation of the law. The commission does not have the power to punish offenders. From January until November the commission received 58 complaints and resolved 36. Twenty-two were still in process. The commission did not have a full-time staff and was located in an office that was not accessible to persons with physical disabilities. Unlike the ombudsman, the commission

reviews complaints from both the public and the private sectors. However, the public was largely unaware of the commission's existence. Citizens who are not satisfied with the outcome of their complaint can seek remedy in court. The written opinion of the commission is admitted as evidence. As of mid-December no case was resolved in court.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and law prohibit discrimination based on gender, race, disability, religion, national, social, or political affiliation, and provides for fines ranging from 400 to 1,000 euros (\$520 to \$1,300) on individuals or legal entities found guilty of discrimination. The government generally enforced these prohibitions. In January the government implemented the Law on Prevention and Protection from Discrimination to protect individuals and legal entities against most forms of discrimination, including from direct and indirect discrimination based on gender, race, skin color, membership in a marginalized group, ethnicity, language, nationality, social origin, religion or religious belief, other beliefs, education, political affiliation, personal or social status, mental and physical disability, age, family or marital status, property status, health condition, or any other discrimination ground provided for by law or a ratified international agreement. Although sexual orientation is not listed in the law as a basis of discrimination, the Commission for Protection from Discrimination handled one case of discrimination on the basis of sexual orientation under the "other beliefs" category.

### **Women**

Rape and Domestic Violence: Rape, including spousal rape, is illegal. The penalties for rape range from one to 15 years' imprisonment. Due to poor enforcement of the law, the penalties did not serve as a significant deterrent. As with domestic violence, police and judicial officials were reluctant to prosecute spousal rape, and many victims did not come forward due to social stigma.

Domestic and other violence against women was a persistent and common problem. Cultural norms, including victims' concerns over possible shame to the family, discouraged the reporting of violence against women and the filing of criminal charges. Domestic violence is illegal, but authorities rarely enforced the law in practice. Advocates reported progress in improving legal structure related to domestic violence.

There were seven limited-capacity government shelters and one NGO-operated shelter for women at risk, a national NGO-operated hotline (in Macedonian and Albanian), and two crisis centers for temporary (24- to 48-hour) shelter for victims of domestic violence. Local NGOs combating domestic violence relied largely on international donors. The government sponsored a public campaign against domestic violence that used well-known women from throughout society to raise public awareness of the problem.

A joint UN Development Program/Ministry of Labor and Social Policy program to provide training to improve professional skills and create opportunities for self-employment for victims of domestic violence was completed and judged successful by advocates. While the program provided payments for six months to companies that employed women who were victims of domestic violence, advocates reported that victims and companies were largely unaware of it.

**Sexual Harassment:** The law prohibits sexual harassment in the workplace and provides a sentencing guideline of three months to three years in prison as punishment for violations. Sexual harassment of women in the workplace was a problem, particularly in the private sector. Authorities could prosecute sexual harassment under the law, but victims generally did not bring cases forward due to fear of publicity and possible loss of employment.

**Reproductive Rights:** Couples have the right to decide freely and responsibly the number, spacing, and timing of their children and means to do so free from discrimination, coercion, and violence. Contraceptives were widely available and affordable but are not covered under the national health-care system. Obstetric and postpartum care was available at hospitals throughout the country and was accessible to expectant and new mothers either through medical coverage provided to employed persons through their employers or to unemployed persons through the national welfare systems. Women and men were equally diagnosed and treated for sexually transmitted infections. According to 2008 UN estimates, the maternal mortality rate in the country was nine deaths per 100,000 live births.

**Discrimination:** Women have the same legal status as men under the family law, inheritance law, and in the judicial system. Advocates reported that the number of women who own property and businesses was minimal and noted some industry-specific gender discrimination. Women from the Romani community did not have equal opportunities for employment and education due to traditional or religious restrictions on their education and role in society. In some Albanian communities,

the practice of men directing voting (or voting on behalf of female family members) disenfranchised women.

Although women remained underrepresented in the higher levels of government and the private sector, there were several prominent professional women in the public sector, including the interior and culture ministers and the deputy prime minister for EU integration. Sixty percent of judges in the country were female.

The Department of Gender Equality in the Ministry of Labor and Social Policy was responsible for ensuring the legal rights of women. There were also gender equality commissions at the municipal council level.

## **Children**

Birth Registration: The law determines citizenship primarily by the citizenship of the parents but allows for acquisition of citizenship by birth in the country's territory for a child found in the territory of Macedonia with unknown parents, if authorities do not discover that the parents were foreigners before the child reaches the age of 18. Births of all children born in hospitals and medical institutions were registered automatically, and the law requires that all children, including those born at home or elsewhere, be registered at magistrate offices within 15 days of birth. Some Romani families delayed registration of newborns, making it difficult for these individuals to access educational, medical, and other benefits later in life because they lacked proper identity documents.

Education: The country's schools suffered from chronic underfunding and insufficient classroom space. Many schools offered classes in shifts, usually divided along ethnic or linguistic lines. While boys and girls generally had equal access to education, there were isolated instances of discrimination against girls in some educational institutions.

Child Abuse: Child abuse was a problem in some areas. Child welfare advocates asserted that children were reluctant to report abuse due to fear of being institutionalized. The Center for Social Work of the Ministry of Labor and Social Policy and the Department for Juvenile Delinquency of the Ministry of Interior are responsible for addressing child abuse. Advocates and the Ombudsman's Office reported a lack of accountability with regard to cases of child neglect and abuse in orphanages, shelters, and detention centers. NGOs were also active in this area. There were reports that Roma organized their children into groups to beg for money, clean vehicle windshields, or sell small items in public places. According

to the Ministry of Labor and Social Policy, approximately 630 vulnerable children received basic education classes in shelter centers. In September the government opened a transit shelter for street children. In the first few weeks, 50 children were brought to the shelter, and the majority of children were returned to their parents. The government started permanent removal proceedings for eight children. The physical size of the shelter made it difficult to provide appropriate social services to the children.

The government operated a hotline for domestic violence, including child abuse. An NGO-operated a helpline, provided an e-mail address for battered or abused children, and conducted advertising campaigns aimed at children to promote the helpline.

**Child Marriage:** The minimum legal age for marriage is 18. A court can issue a marriage license to persons between 16 and 18 years of age if it finds them mentally and physically fit for marriage. Child marriage occurred in the Romani community and, to a much lesser extent, in the ethnic Albanian community. It was difficult to estimate the number of child marriages because they were rarely registered.

**Sexual Exploitation of Children:** Penalties for commercial sexual exploitation of children are between 10 and 15 years in prison. The minimum age for consensual sex is 16. The law prohibits child pornography, and the penalties for it are between five and 15 years in prison. Child prostitution was considered a problem, but its extent was not known.

**Displaced Children:** According to 2008 data from UNICEF, there were between 500 and 1,000 street children in the country, most of them Roma. With international support, the Ministry of Labor and Social Policy operated four day centers for street children.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

## **Anti-Semitism**

The Jewish community estimated that 250 to 300 Jews lived in the country. There were no reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

## Persons with Disabilities

Persons with disabilities faced discrimination in employment, education, and access to health care and other state services. The law requires persons with physical or mental disabilities to obtain approval from a medical commission of the government to serve in supervisory positions in both the private and public sectors. The law provides incentives to certain “shelter companies” to provide employment for persons with disabilities, but NGOs reported that restrictions on which companies qualified limited employment opportunities for persons with disabilities. The new antidiscrimination law, implemented in January, allows for those who allege discrimination to submit their complaints to the Commission for Protection from Discrimination.

The law requires that only new buildings be made accessible to persons with disabilities. Many public buildings remained inaccessible. Inconsistent inspection resulted in construction of new facilities that were not accessible. NGOs reported the situation was improving over time.

Advocates stated that employers were reluctant to hire persons with disabilities and that the difficulty of accessing educational and other opportunities prevented the full integration of persons with disabilities into society.

The Ministry of Labor and Social Policy is responsible for integrating persons with disabilities into economic life and for the payment of benefits. In practice disability benefits did not cover the cost of living. Advocates indicated that employment and life-skills training programs for persons with mental and physical disabilities were very limited and did not contribute significantly to their economic integration.

## National/Racial/Ethnic Minorities

According to the 2002 census, the ethnic composition of the population was 64.2 percent Macedonian, 25.2 percent Albanian, 3.9 percent Turkish, 2.7 percent Romani, 1.8 percent Serbian, 0.8 percent Bosniak, and 0.5 percent Vlach.

Relations between the ethnic Macedonian and Albanian communities often were strained. Ethnic Albanians continued to complain of unequal representation in government ministries. Ethnic Macedonians claimed that employers targeted them for reverse discrimination in downsizing, regardless of performance. Some ethnic Albanians claimed that discrimination in citizenship decisions by the Ministry of Interior, which has authority to grant, revoke, interrupt, or confirm a person's citizenship, effectively disenfranchised them.

The law provides for protection of minority rights and integration of all sectors of society. The government has a secretariat to hold accountable those state institutions that do not comply with the strategy for equitable minority representation, but the organization lacked enforcement and sanctioning mechanisms. According to the secretariat, there were 2,500 new public administration jobs advertised and 560 new jobs offered to ethnic minorities during the year. Data from July showed that ethnic minorities accounted for approximately 24 percent of the employees of state institutions.

Minorities remained underrepresented in the military, despite improved and continued efforts to recruit qualified minority candidates. Ethnic Albanians represented 18 percent of the army, and minorities as a whole accounted for 25 percent.

The law provides for primary and secondary education in the Macedonian, Albanian, Romani, Turkish, and Serbian languages. The number of minority students who received secondary education in their native languages continued to increase, especially after secondary education became mandatory.

Ethnic Turks complained of discrimination. Their main concerns were slow progress in achieving equitable representation in government institutions, the absence of ethnic Turkish-majority municipalities, and the inadequacy of Turkish-language education and media.

Roma complained of widespread societal discrimination. NGOs and international experts reported that employers often denied Roma job opportunities, and some Roma complained of lack of access to public welfare funds. Roma NGOs also reported that proprietors occasionally denied Roma entrance to their establishments. Many Roma lacked identity cards, which are necessary to obtain government services such as education, welfare, and health care.

The government funded implementation of the national strategy for the Roma Decade, including assistance with education, housing, employment, and infrastructure development. The government also continued to fund Roma information centers that directed Roma to educational, health care, and social welfare resources. Increased NGO and government funding to eliminate barriers to education for Romani students resulted in a continued increase in school attendance rates. For the 2010-11 school year, there were 2 percent fewer Romani students enrolled in primary education and 13 percent fewer in secondary education than during the previous school year.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Activists representing the rights of lesbian, gay, bisexual, and transgender (LGBT) individuals reported incidents of societal prejudice, including harassment and use of derogatory language, including in the media.

Sexual orientation is not a protected category under the antidiscrimination law passed in 2010, although the Commission for Protection from Discrimination created by the law considered complaints from the LGBT community. The Ministry of Education, in response to a ruling of the Commission for Protection from Discrimination, agreed to review textbooks and withdraw parts that have negative LGBT stereotypes and prejudices.

### **Other Societal Violence or Discrimination**

There were isolated reports of discrimination against persons with HIV or AIDS in employment and access to health care.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right to form and join independent unions without previous authorization or excessive requirements. The law provides for the right to strike, and workers, including civil servants, exercised this right in practice. Members of the military and police are granted a restricted right to strike under a separate law. The law allows unions to operate without interference and protects the right to bargain collectively but requires that trade unions represent 20 percent of employees in the public or private sector as well as 10 percent of employers in

order to negotiate collective agreements. During a strike the law allows employers to “exclude” or temporarily release up to 2 percent of workers whom they believe are potentially violent or engaged in “undemocratic activity” and are obstructing the negotiations between the workers and the employer. The law requires employers to pay the workers’ benefits during the exclusion period and rehire them after the strike. The unions maintained that this provision allows employers to exclude union leaders from negotiations during a strike. If authorities declare a strike illegal, employers may dismiss participants or sue them for damages. The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity. The government did not always enforce laws against antiunion interference.

Freedom of association and the right to collective bargaining were respected in practice. Worker organizations were independent of the government and political parties. Unions may freely register with the Central Registry of Macedonia. More than 50 percent of the legal workforce belonged to labor unions, and unions were particularly well represented in the public sector. There were two major union federations, the Confederation of Trade Unions of Macedonia (SSM) and the Confederation of Free Trade Unions (KSS). Several unions were not affiliated with either of the two confederations, including unions of journalists, police officers, farmers, financial sector workers, and health-care workers.

Most unions had collective bargaining agreements, and such agreements covered all legally employed workers for the public or private sectors. However, studies indicated that a significant number of employees in the “gray” economy were not part of the legal workforce. Estimates of the size of the gray economy were between 15 percent and 40 percent of gross domestic product.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor, including by children; however, forced labor occurred. Romani children were especially vulnerable to human trafficking, specifically forced begging in public places, usually by family members.

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law protects children from exploitation in the workplace, including forced or compulsory labor, and the government effectively enforced the law in practice. The law mandates a prison sentence of at least eight years for anyone who buys, sells, keeps, or takes children or minors for the purpose of exploitation.

The minimum age for employment is 15. Children who are 14 years of age can work as apprentices or as part of an official education program. The law prohibits employing minors under the age of 18 in work that is detrimental to their physical or psychological health and morality. The law also prohibits minors from working nights or more than eight hours per day or 40 hours per week.

There were no official reports of illegal child labor during the year; however, there was evidence that individuals used such labor in the gray economy, primarily involving children who begged and sold cigarettes and other small items in open markets, the streets, bars, or restaurants at night. The children involved in these activities were primarily Roma and most often worked for their parents or family members. Officials did not punish such violations, and children remained vulnerable to exploitation.

The Ministry of Labor and Social Policy is responsible for enforcing laws regulating the employment of children. Government efforts to eliminate forced begging by children were largely ineffective. Although the necessary laws were in place, officials seldom implemented them.

During the year the Ministry of Labor and Social Policy funded three centers that provided education, medical, and psychological services to children who beg on the street. NGOs funded two additional centers for children in Skopje with support from the government. International donors supported programs to prevent children from begging on the street and to increase school enrollment of children at risk for such work.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

During the year a national minimum wage was established by law for the first time and was set at 8,500 denars (\$177) per month. According to official statistics, the average monthly net wage in September was 20,659 denars (\$430). In 2010 the government estimated that the monthly cost of basic goods, including food, gas,

and transportation for a family of four, was 200 euros (\$260). The government statistics office estimated that approximately 30.9 percent of the population lived in poverty in 2010.

The law establishes a 40-hour workweek with a minimum 24-hour rest period, and paid vacation and sick leave benefits. Employees may not legally work more than eight hours of overtime per week or 190 hours per year. According to the collective agreement between the government and the unions, employees in both the public and private sector have a right to overtime pay at 135 percent of their regular rate. By law collective agreements apply to all workers whether union members or not. In addition the law entitles employees who work more than 150 hours of overtime per year to a bonus of one month's salary. However, many employers hired workers without complying with the law. In particular small retail businesses often required employees to work well beyond the legal limits.

During the year the Labor Inspectorate of the Ministry of Labor and Social Policy filed complaints against several private businesses for forcing employees to work long hours without the breaks required by law and for not legally registering all employees. In the case of such violations, labor inspectors have the legal authority to close an establishment until the employer corrects the violations. In cases of repeated violations, the owners can be fined. During 2010 authorities temporarily closed more than 1,000 companies due to labor violations such as the employment of nonregistered workers. No record of the number of employers fined was available.

The Ministry of Labor and Social Policy did not strictly enforce laws and regulations on worker safety. It employed 110 labor inspectors. While workers have the legal right to remove themselves from situations that endanger their health or safety without jeopardy to their future employment, employers did not always respect this right in practice. Over the last two years, an average of 44 workers per year lost their lives in the workplace as a result of lax or nonexistent protection measures or long hours at construction sites.